

May 19, 2017

Hon. James Eldridge, Chair
Senate Committee on Financial Services
State House, Room 320
Boston, MA 02133

Hon. Aaron Michlewitz, Chair
House Committee on Financial Services
State House, Room 254
Boston, MA 02133

Re: An act to protect access to confidential healthcare (S.591/H.3059)

Dear Chairman Eldridge, Chairman Michlewitz, and members of the Joint Committee on Financial Services,

The Fenway Institute would like to go on record IN SUPPORT of S.591/H.3059, An act to protect access to confidential healthcare, and we urge you to report this bill favorably.

The Fenway Institute works to make life healthier for those who are lesbian, gay, bisexual, and transgender (LGBT), as well as people living with HIV and the larger community. We do this through research and evaluation, education and training, policy analysis, and public health advocacy. We are the research division of Fenway Health, a federally qualified health center and Ryan White Part C HIV clinic in Boston, MA.

An act to protect access to confidential healthcare will reform how Explanation of Benefits forms (EOBs) are processed in a way that significantly improves patient access to sexual and reproductive health services, including pregnancy tests, prenatal care, HIV and STI prevention and care, , and the use of pre-exposure prophylaxis (PrEP) for HIV prevention. Current insurer policies around EOB forms are wholly insufficient and leave patient who must access sensitive healthcare services vulnerable. EOBs can potentially violate patient privacy when they are sent to or viewed by people other than the patient. This in turn leads to patients delaying or even forgoing necessary healthcare—especially for sensitive services like HIV testing and treatment, other STI screening, and pregnancy testing and prenatal care. This bill protects confidentiality by allowing patients to choose where and how they receive their EOB forms, keeping confidential information between healthcare provider and the patient.

Disclosure of confidential health information negatively affects all people, but especially affects adult spouses covered under a partner's plan, young adults insured on their parents' plan, and minors exercising their right to independently access certain protected healthcare services under existing Massachusetts laws. For example, young adults may be deterred from accessing HIV screening services or pregnancy testing if they are insured through their parents' plan, because they do not want an EOB to be sent to their parents. Maintaining confidentiality is particularly important for individuals seeking sensitive services, such as HIV/AIDS testing and treatment, pregnancy tests, or PrEP for HIV prevention. Fear of confidentiality breaches actively prevents individuals from getting tested for HIV and deters HIV positive individuals from obtaining the treatment they need. By protecting patient privacy, this bill will encourage people to seek necessary healthcare like HIV/STI testing and use their private insurance when they do seek care.

Ensuring the ease of obtaining testing and treatment for HIV has a significant public health impact. We now know that when patients take their HIV medication and the virus becomes suppressed, the likelihood that they will transmit the virus is reduced greatly. Treatment as prevention includes routine testing, getting care soon after diagnosis, starting treatment early and remaining in care, all of which can be hindered when individuals feel like their privacy is not being protected.

The Massachusetts Getting to Zero campaign, which has been endorsed by the Massachusetts Department of Health, is a campaign to get to zero instances of HIV/AIDS related discrimination, zero AIDS related deaths, and zero new HIV infections in the state of Massachusetts. Routine testing and early treatment are key elements of the campaign that could be hindered by current EOB reporting policies. This new bill is an important policy change for increasing access to HIV testing and treatment, and as such it could increase the likelihood that the Getting to Zero campaign succeeds.

This bill would ensure greater privacy and remove barriers to accessing care, which in turn promotes timely treatment and reduced healthcare costs. Timely treatment will not only allow those living with HIV to lead healthy lives, but also help prevent the spread of HIV. Reduced healthcare costs will result from fewer HIV infections and increased use of insurance to cover HIV testing and treatment. Additionally, this bill would require insurers to clearly inform enrollees of their options to request confidential means of receiving EOBs, empowering patients to take greater control of their care and privacy. Such uniform insurer policies are necessary to protect confidentiality equally across all plans. This uniformity will ensure that all individuals feel their privacy is protected, which will encourage more people to seek HIV testing and treatment.

For the reasons above, **the Fenway Institute urges you to report *An act to protect access to confidential healthcare (S. 591 / H.3059) favorably.***

Sincerely,

Stephen Boswell, MD, FACP
CEO and President, Fenway Health
Assistant Professor, Harvard Medical School

Kenneth Mayer, MD, FACP
Co-Chair and Medical Research Director, The Fenway Institute
Director of HIV Prevention Research, Beth Israel Deaconess Medical Center
Professor of Medicine, Harvard Medical School